

AGENDA ITEM # 2A
June 3, 2003

Introduction

MEMORANDUM

May 30, 2003

TO: County Council

FROM: ^{Go} Glenn Orlin, Deputy Council Staff Director

SUBJECT: **Introduction**—resolution to authorize advance taking for Montrose Parkway West project

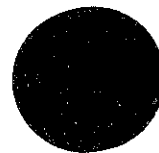
The County Executive has requested authority to condemn, by the advance taking procedure, two perpetual easements for the Montrose Parkway West project. The County Executive's letter transmitting this request is attached as ©1, the draft resolution is on ©2-3, and a map of the two parcels is on ©4.

The Transportation and Environment (T&E) Committee is scheduled to review this matter on Tuesday morning, June 10. The full Council is tentatively scheduled to take action later on June 10.

RAN



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850



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ME

Douglas M. Duncan
County Executive

MEMORANDUM

003317

May 12, 2003

TO: Michael L. Subin, President
Montgomery County Council

FROM: Douglas M. Duncan, County Executive

SUBJECT: CIP Project No. 500311, Montrose Parkway West
Advance Taking

2003 MAY 15 AM 11:10

RECEIVED
MONTGOMERY COUNTY
COUNCIL

In order for the County to meet the design and construction schedule for Montrose Parkway West, I respectfully request that the County Council use its authority under Section 49-50 of the Montgomery County Code as amended, 1994. Each of the below referenced properties has been appraised by Melville E. Peters, a licensed and independent real estate appraiser.

Each of the property owners has been provided with a written letter of offer from the County to purchase the property. While negotiations continue, neither of the property owners will accept the County's offer based on the appraisal. By placing the properties into "Advance Take", negotiations can continue, the property owner is not prejudiced as to its belief of value, and the County will have legal access to the property. This is necessary to conduct on-going engineering studies for final design and ultimate construction.

At this time there are two properties for which the Advance Taking Authority is requested:

<u>Account No.</u>	<u>Liber/Folio</u>	<u>Property Owners</u>	<u>Property Description</u>
1779148	3691/45	Wilgus Associates Limited Partnership	Parcel No. N303 Tax Map GQ52
1901614	18502/0312	Montrose Medical Associates, LLC	Parcel No. N311 Tax Map GQ52

Attachments

(1)



RESOLUTION _____
INTRODUCED _____
ADOPTED _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Advance Taking
CIP Project No. 500311
In accordance with Article III, Section 40A, Maryland Constitution and Section 49-50,
Montgomery County Code 1994, as amended.

BACKGROUND

- I. The Council has been requested to authorize the condemnation of the portion of land necessary for the construction of the Montrose Parkway West Project in accordance with Section 49-50 of the Montgomery County Code 1994.
1. In order to meet the final and complete design and construction schedule as authorized by Montgomery County Council, the County must acquire the below referred to properties.
 2. The County has been unable to negotiate an Option Contract with the property owners listed below:

<u>Account No.</u>	<u>Liber/Folio</u>	<u>Property Owners</u>	<u>Property Description</u>
1779148	3691/45	Wilgus Associates Limited Partnership	Parcel No. N303 Tax Map GQ52
1901614	18502/0312	Montrose Medical Associates, LLC	Parcel No. N311 Tax Map GQ52

3. There is an immediate need to acquire the portion of the property for rights-of-way for the construction of the Montrose Parkway West Project.

ACTION

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portion of land needed for the construction of the

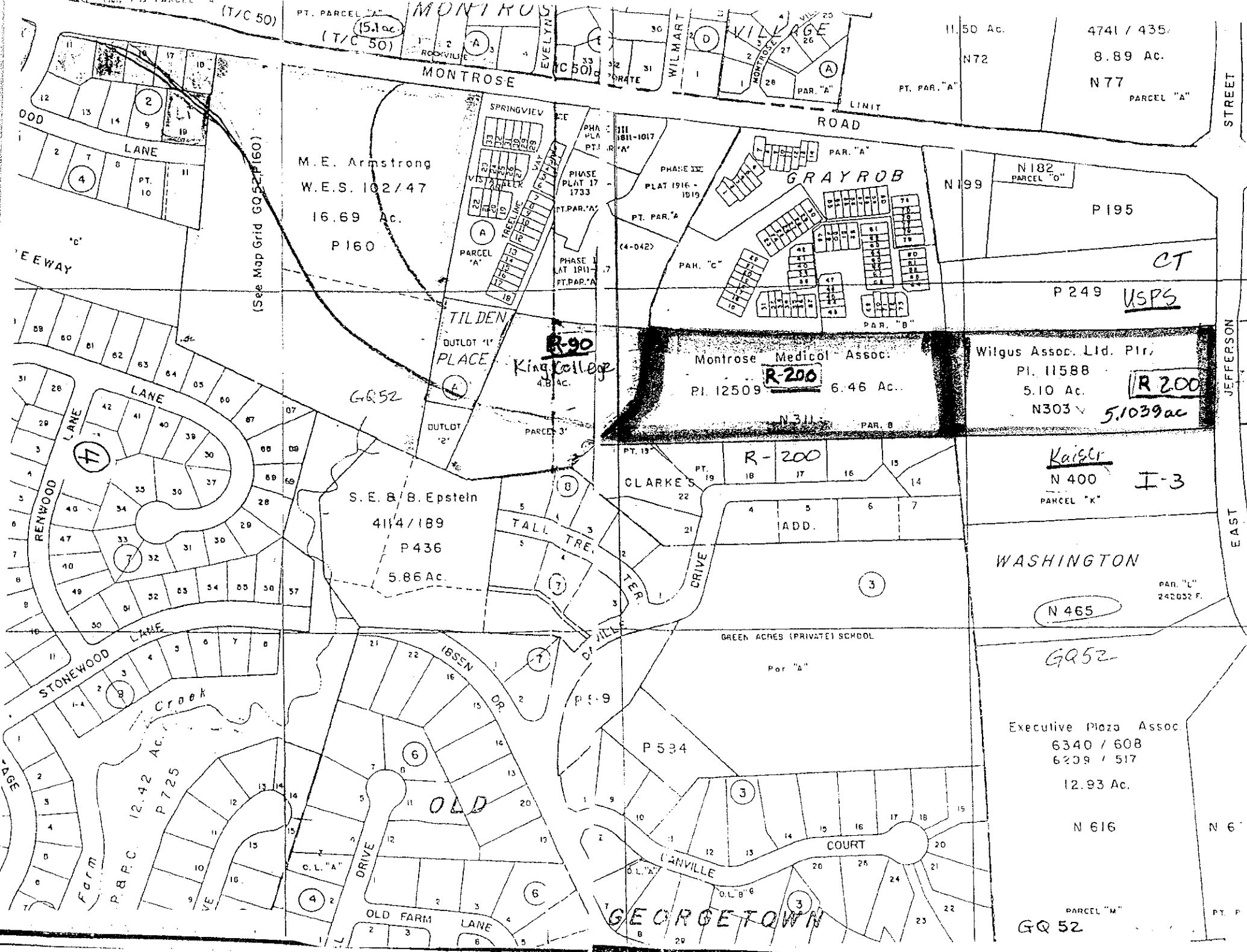
Montrose Parkway West Project in accordance with Section 49-50 Montgomery County Code 1994, effective upon the following conditions:

1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 2. Melville E. Peters, Licensed Real Estate Appraiser, is hereby appointed to appraise the fair market value of the property.
- II. Montgomery County may take immediate possession of the property described above, upon payment into Court of the fair market value of the property as determined by the County's appraiser. The County reserves the right to abandon this proceeding at any time prior to payment into Court, the amount as determined by the County's appraiser.
- III. The County Attorney is hereby directed to take all necessary steps to acquire the property.

This is a correct copy of Council action

Mary A. Edgar, CMC
Clerk of the Council

Distribution: County Executive's file
Secretary to the Council
Department of Finance



M.E. Armstrong
W.E.S. 102/47
16.69 Ac.
P160

Montrose Medical Assoc.
P1. 12509
6.46 Ac.
R-200

Wilgus Assoc. Ltd. P1.
P1. 11588
5.10 Ac.
N303
R 200
5.1039 ac

S.E. & B. Epstein
4114/189
P436
5.86 Ac.

Kaiser
N 400
PARCEL "K"
I-3

WASHINGTON
N 465

Executive Plaza Assoc.
6340 / 608
6209 / 517
12.93 Ac.
N 616

GEORGETOWN

PARCEL "M"
GQ 52